## REMARKS

Initially, in the Office Action the Examiner has rejected claims 48 – 54 under 35 U.S.C. §101. Further, claims 1 – 3, 5, 7 – 25, 32 – 42 and 48 – 54 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0076408 (Dutta) in view of U.S. Patent Application Publication No. 2002/0062382 (Rhoads, et. al.).

By the present response, Applicant has amended the specification and claim 1 to further clarify the invention. Claims 1 – 3, 5, 7 – 25, 32 – 42 and 48 – 54 remain pending in the present application.

35 U.S.C. §101 Rejections

Claims 48 – 54 have been rejected under 35 U.S.C. §101. Applicant has amended the specification to further clarify the invention and respectfully requests that these rejections be withdrawn.

35 U.S.C. §103 Rejections

Claims 1 – 3, 5, 7 – 25, 32 – 42 and 48 – 54 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dutta in view of Rhoads, et. al. Applicant has discussed the deficiencies of Dutta in Applicant's previously filed responses and reasserts all arguments submitted in those responses. Applicant respectfully traverses these rejections and provides the following additional remarks.

Rhoads, et. al. discloses providing a system where collateral information stored in an image (or in some other data) is used together with other information such as information from a cookie on the machine used to access the collateral data, to direct a user to a particular website. The site to which a user is directed is selected based both upon the collateral information in the website, information from the computer that was used to read the collateral data, and information from a database. The result is that user is directed to a website that is more appropriate for the user at that particular time.

Regarding claims 1, 17, 32 and 48, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious

the limitations in the combination of each of these claims of, *inter alia*, identifying a class of data in the image of the plurality of classes of data and performing a predetermined function associated with the class of data in response to the class of data being identified in the image, each of the plurality of possible classes of data having an associated predetermined function, wherein the plurality of possible classes of data comprise data visible to a human eye and data unintelligible to a human eye comprising at least one of subliminal data, data formed using steganography, or watermarking.

As noted previously, Dutta merely discloses capturing multiple images of an object from moving a camera, and using information gathered related to the detected motion and/or brightness of the obtained image to process the various images to reconstruct an entire image of the object based on the previously acquired and processed images. This is not identifying a plurality of possible classes of data in the image as recited in the claims of the present application. Further, none of the cited references disclose or suggest wherein the plurality of possible classes of data comprise data visible to a human eye and data unintelligible to a human eye comprising at least one of subliminal data, data formed using steganography, or watermarking. The Examiner admits that Dutta does not disclose or suggest these limitations but asserts that Rhoads et al. discloses these limitations in the Abstract, Figure 1, and paragraph 33. However, these portions of Rhoads et al. merely disclose that a personal computer may include a browser with a plug-in that can read digital watermarks, where an image containing a digital watermark may be held in front of a personal computer camera and the personal computer extracts the digital watermark (i.e., collateral data) and directs the computer's browser to a particular website. This is not identifying a class of data in an image, performing a predetermined function associated with the class of data, or where the plurality of possible classes of data comprise data visible to a human eye and data unintelligible to a human eye comprising at least one of subliminal data, data formed using steganography or watermarking, as recited in the claims of the present application. The mere disclosure in Rhoads et al. of a browser plug-in that can read digital watermarks does not disclose or suggest these limitations in the claims of the present application. Rhoads et al. does not disclose or suggest the read digital watermarks being a class of data. Further, Rhoads et al. does not disclose or suggest performing a predetermined function associated with the class of data in

response to the class of data being identified. Applicant submits that the Examiner must take the limitations in the claims of the present application in their entirety as they relate to each other, and it is improper to merely pick and choose phrases or clauses in the claims and find these pieces in one or more references in an attempt to reconstruct the claims of the present application. The disclosure of a browser plug-in reading digital watermarks, as disclosed in Rhoads et al. does not disclose or suggest identifying a class of data in an image, performing a predetermined function associated with the class identified, or where the class of data comprises data unintelligible to a human eye comprising watermarking.

Moreover, Applicant submits that one of ordinary skill in the art would have no motivation to combine Dutta, which relates to a handheld device for obtaining an image of an object by combining a plurality of images, with Rhoads et al., which relates to collateral data combined with other data to select a website, in an attempt to achieve the limitations in the claims of the present application. The disclosure of Dutta and Rhoads et al. are directed to two entirely different problems, solutions, and technologies, and one of ordinary skill in the art would have no motivation to make this combination to achieve the limitations in the claims of the present application. In addition, as noted previously, this combination fails to achieve the limitations in the claims of the present application.

Regarding claims 2, 3, 5, 7-16, 18-25, 33-42 and 49-54, Applicant submits that these claims are dependent on one of independent claims 1, 17, 32 and 48 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that Dutta does not disclose or suggest the limitations in the combination of each of claims 1-3, 5, 7-25, 32-42 and 48-54 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Conclusion

In view of the foregoing amendments and remarks, Applicant submits that claims 1-3, 5, 7-25, 32-42 and 48-54 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

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